ROB BONTA
Attorney General of California
MYUNG J. PARK
Supervising Deputy Attorney General
KATHERINE GAUMOND, State Bar No. 349453
CAITLAN MCLOON, State Bar No. 302798
EMMANUELLE S. SOICHET, State Bar No. 290754
CECILIA D. SEGAL, State Bar No. 310935
M. ELAINE MECKENSTOCK, State Bar No. 268861
Deputy Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 879-0299
Fax: (510) 622-2270
E-mail: Elaine.Meckenstock@doj.ca.gov
Attorneys for Plaintiff State of California
(additional counsel on signature pages)

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

STATE OF CALIFORNIA, STATE OF COLORADO, STATE OF DELAWARE, COMMONWEALTH OF MASSACHUSETTS, STATE OF NEW JERSEY, STATE OF NEW MEXICO, STATE OF NEW YORK, STATE OF OREGON, STATE OF RHODE ISLAND, STATE OF VERMONT, and **STATE OF WASHINGTON,**

Plaintiffs,

v.

UNITED STATES OF AMERICA, U.S. ENVIRONMENTAL PROTECTION AGENCY, LEE ZELDIN, in his official capacity as Administrator of the U.S. Environmental Protection Agency, and **DONALD J. TRUMP,** in his official capacity as President of the United States,

Defendants.

4:25-cv-04966-HSG

PLAINTIFFS' OPPOSITION TO MOTION TO INTERVENE BY AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS ET AL.

(Administrative Procedure Act, 5 U.S.C. § 701 et seq.; 5 U.S.C. § 801 et seq.)

Date: **October 23, 2025**
Time: **2:00pm**
Judge: **Hon. Haywood S. Gilliam, Jr.**

STATEMENT OF ISSUES TO BE DECIDED

Should the Court deny the motion filed by American Fuel & Petrochemical Manufacturers, American Petroleum Institute, and the National Association of Convenience Stores (collectively, AFPM) to intervene either as of right or permissively in the above-captioned matter? If the Court grants the motion, should it nonetheless place reasonable conditions on AFPM's participation and on this litigation to ensure Plaintiffs are not prejudiced and the case proceeds efficiently?

INTRODUCTION

AFPM's motion to intervene rests on conclusory arguments and incomplete facts and should be denied for that reason alone. *See Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 820 (9th Cir. 2001) (courts need not accept as true conclusory allegations in a motion to intervene and supporting papers). Among other things, AFPM does not identify the statutory source for its alleged protectable interest; does not acknowledge the presumption of adequate representation that applies; and does not explain what specialized expertise it might contribute that would be relevant to this case.

But even putting those issues aside, AFPM's grounds for intervention are deficient for substantially the same reasons as the grounds raised by American Free Enterprise Chamber of Commerce et al. (AmFree) to support its own motion to intervene. *See* AmFree Mot., ECF No. 49; Pls.' Opp'n to AmFree Mot., ECF 84. As with AmFree, AFPM's asserted protectable interest lies in the lawfulness of the U.S. Environmental Protection Agency's (EPA) decision to grant California's requests for Clean Air Act preemption waivers that authorize enforcement of three sets of state vehicle emissions standards. That legal question is not relevant to this suit, and is better protected via petitions for review under the Clean Air Act challenging the waivers themselves—such as the petitions these associations have already filed (which they do not cite in their papers). AFPM thus cannot show that its interest would be impaired by the Court's resolution of Plaintiffs' claims here. Nor can AFPM overcome the presumption that the federal government will adequately represent its interests. Intervention as of right is not warranted.

Furthermore, and again as with AmFree, AFPM's intervention threatens to expand the scope of the litigation to encompass extraneous issues and facts, prejudicing Plaintiffs. That

AmFree has also moved to intervene defensively, and that other groups might still file, adds to the risk of prejudice from undue duplication and delay. The Court should therefore deny AFPM permissive intervention and instead allow AFPM to air its views in an amicus brief.

Alternatively, if the Court is inclined to grant intervention, Plaintiffs respectfully request that the Court place reasonable limitations on AFPM's participation along with certain procedural conditions on all parties to ensure the case proceeds efficiently.

BACKGROUND

Earlier this year, Congress took the unprecedented and unlawful step of targeting, with resolutions of "rule" disapproval (Resolutions), three Clean Air Act orders that waived preemption of certain emissions standards set by California for new motor vehicles sold in the State. Compl. (ECF 1) ¶¶ 5-7. California has been setting such standards for more than half a century. *Id.* ¶ 33. Since 1967, when Congress generally preempted States from setting new motor vehicle standards, California has done so pursuant to the preemption waivers that EPA must grant, subject to certain limited conditions. *See* 42 U.S.C. § 7543(b)(1).

Each of the three waivers targeted by the Resolutions permits California to enforce specific amendments to its regulatory program, adopted to reduce harmful pollution and protect public health and welfare. These waivers similarly allow other States to adopt and enforce California's regulations as their own. *Id.* § 7507. The first waiver, published in April 2023 (88 Fed. Reg. 20,688 (Apr. 6, 2023)), authorizes the Advanced Clean Trucks (ACT) regulation which requires gradual increases in sales of medium- and heavy-duty zero-emission vehicles in California beginning with model year 2024. Compl. ¶ 44. The second and third waivers, published in early January 2025, authorize the Advanced Clean Cars II (ACCII) and Omnibus regulations, respectively. 90 Fed. Reg. 642 (Jan. 6, 2025); 90 Fed. Reg. 643 (Jan. 6, 2025). ACCII gradually strengthens California's longstanding emission standards for light-duty vehicles (passenger cars and light trucks), including the State's zero-emission-vehicle sales requirements and the exhaust emission standards for criteria pollutants, requiring reductions in smog-forming oxides of nitrogen (NOx) and particulate matter. Compl. ¶ 43. The Omnibus regulation likewise strengthens longstanding state emission standards, requiring substantial reductions in NOx exhaust emissions

from new medium- and heavy-duty vehicles. *Id.* ¶ 45. All three of these regulations are crucial parts of California's comprehensive plan to improve the air Californians breathe and meet state and federal air quality standards. *Id.* ¶ 46 (noting tens of millions of Californians are affected by some of the worst air quality in the Nation).

The unlawful targeting of these waivers began months (or, in the case of ACT, years) after the waivers were granted. EPA reversed the view it had consistently held for decades—shared by the Government Accountability Office—and suddenly declared, without any explanation, that waivers were "rules" within the meaning of the Congressional Review Act (CRA). *Id*. ¶¶ 65, 68-70, 73-77. Relying on EPA's misinterpretation, Congress enacted the Resolutions that purport to invalidate the three waivers. *Id.* ¶¶ 94, 103, 108. The President signed the Resolutions on June 12, 2025. *Id*. ¶ 113. Plaintiff States sued the United States the same day. Plaintiffs seek, *inter alia*, to have the Resolutions declared unconstitutional for violation of separation of powers and federalism principles. *Id*. ¶¶ 153-178.

LEGAL STANDARD

To intervene as of right under Federal Rule of Civil Procedure 24(a)(2), a movant must show that: (1) the motion is timely; (2) the movant has a "significantly protectable interest" in the subject of the action; (3) disposition of the action may, as a practical matter, impair or impede the movant's ability to protect that interest; and (4) the movant's interest is inadequately represented by the existing parties. *E. Bay Sanctuary Covenant v. Biden*, 102 F.4th 996, 1001 (9th Cir. 2024). "Failure to satisfy any one of the requirements is fatal to the application." *Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 841 (9th Cir. 2011).

To intervene permissively under Federal Rule of Civil Procedure 24(b)(1), a movant must show that: (1) independent grounds for jurisdiction exist; (2) the motion is timely; and (3) the movant's claim or defense shares a common question of law or fact with the main action. *United States v. City of Los Angeles*, 288 F.3d 391, 403 (9th Cir. 2002). In exercising its discretion on this issue, a court must consider whether the intervention would "unduly delay or prejudice" the existing parties. Fed. R. Civ. P. 24(b)(3).

Though courts construe Rule 24 broadly in favor of intervention, the movant bears the burden of establishing that the Rule's requirements are met. *See E. Bay Sanctuary Covenant*, 102 F.4th at 1001 & n.2. Conclusory allegations will not suffice. *See Berg*, 268 F.3d at 820.

ARGUMENT

I. AFPM DOES NOT MEET THE STANDARD FOR INTERVENTION AS OF RIGHT

A. AFPM lacks a protectable interest that could be impeded by disposition of this case

AFPM begins by asserting Article III standing. Mot. 6-7. But an intervenor of right need not demonstrate Article III standing unless it "seeks additional relief beyond that which the plaintiff requests." *Town of Chester, N.Y. v. Laroe Estates, Inc.*, 581 U.S. 433, 439 (2017); *accord Cal. Dep't of Toxic Substances Control v. Jim Dobbas, Inc.*, 54 F.4th 1078, 1085 (9th Cir. 2022). AFPM does not indicate an intent to do so here, and so the standing inquiry is inapposite. *See* Mot. 9:25-26. To the extent AFPM's standing argument is meant to satisfy Rule 24(a)'s requirement that a proposed intervenor demonstrate a sufficient interest in the litigation, it fails to do so. Unlike standing, Rule 24(a) demands that the interest be protectable "under *some* law." *Berg*, 268 F.3d at 818 (emphasis added); *see also Cal. Dep't of Toxic Substances Control*, 54 F.4th at 1087-88 & n.8 (interpreting Rule 24(a)(2) as requiring a *legal* interest). AFPM makes no effort to identify what that law might be here. Its reliance on *Berg* thus does not "go a long way" toward Rule 24(a)'s requirement, much less satisfy it, as AFPM must. Mot. 8:22-25.

Filling in the blanks, it appears that, as with AmFree, AFPM relies on the Clean Air Act's judicial review provision as the requisite legal protection for AFPM's asserted interests in the case. That is presumably why AFPM repeatedly cites *Diamond Alternative Energy, LLC v. EPA*, 145 S. Ct. 2121 (2025), in which petitioners challenged an EPA waiver action under the Clean Air Act. *See, e.g.*, Mot. 6:11-20, 8:8-25. But the lawfulness of EPA's waiver actions under that Act is not at issue here. *See* Compl. ¶¶ 114-188 (raising no Clean Air Act questions). As with AmFree, then, AFPM's failure to demonstrate a "relationship between [its] legally protected interest and the claims at issue" is fatal to its intervention as of right. *Cal. Dep't of Toxic Substances Control*, 54 F.4th at 1088 (cleaned up).

AFPM also appears to evoke the protection of the Clean Air Act when it asserts an interest in preserving what AFPM describes as the Act's "uniform national framework" for motor vehicle emission regulation. *See* Mot. 2:15-16; *see also, e.g.*, Mot. 8:6. But the Clean Air Act establishes no such framework and thus protects no such interest. To the contrary, the effect of the Clean Air Act is that new "motor vehicles must be either 'federal cars' designed to meet EPA's standards *or* 'California cars' designed to meet California's standards." *Motor & Equip. Mfrs. Ass'n v. Nichols*, 142 F.3d 449, 453 (D.C. Cir. 1998) (citation omitted) (emphasis added). AFPM's preferred uniform national framework for vehicle emission regulation did not exist before the Clean Air Act, and Congress expressly opted *not* to create such a framework in the statute. 42 U.S.C. § 7543(b)(1). Indeed, California has been regulating these emissions since the 1950s—pursuant solely to state law authority until enactment of the Clean Air Act preemption provision in 1967, and pursuant to preemption waivers ever since. *See Am. Trucking Ass'ns, Inc. v. EPA*, 600 F.3d 624, 626 (D.C. Cir. 2010) ("As to regulating emissions from *mobile* pollution sources like automobile engines, EPA and the States . . . share responsibility . . . .").[1]

AFPM also fails to demonstrate how the disposition of this case will impair its interest in the lawfulness of the EPA waivers. "Th[is] litigation does not prevent any individual from initiating suit" to challenge a particular waiver. *City of Los Angeles*, 288 F.3d at 402. Indeed, each of these associations has done just that and collectively filed cases challenging the three waivers targeted by the Resolutions—though AFPM makes no reference to that fact in its papers. *See Am. Fuel & Petrochemical Mfrs., Nat'l Ass'n of Conv. Stores, et al. v. EPA*, No. 25-1085 (D.C. Cir.) (petition for review of ACCII waiver); *Am. Petroleum Inst. v. EPA*, No. 25-1478 (9th Cir.)

[1] AFPM hails the need for "national uniformity" (Mot. 1:24), yet also complains that the California standards amount to "a de facto national vehicle standard" (Mot. 2:1-2). AFPM cannot have it both ways. In any event, as AFPM elsewhere acknowledges (Mot. 3:15-18), EPA's standards, not California's, apply in all States unless and until a State chooses to adopt a California standard instead. Plaintiff States have done so, but those independent choices by separate sovereigns do not make California a national vehicle regulator. Indeed, the States that have adopted the ACCII, ACT, and Omnibus standards represent a minority of the national vehicle market. *See Section 177 States Regulation Dashboard*, CARB, https://perma.cc/4AZ7-94F8 (last updated Apr. 2025) (showing that States that have adopted ACCII account for 30.1% of new light-duty vehicle registrations; States that have adopted ACT account for 25.4% of new heavy-duty vehicle registrations; and States that have adopted Omnibus account for 23.8% of new heavy-duty vehicle registrations).

(petition for review of ACCII waiver); *Am. Fuel & Petrochemical Mfrs. v. EPA*, No. 23-1146 (D.C. Cir.) (petition for review of ACT waiver by all three associations); *Am. Fuel & Petrochemical Mfrs. v. EPA*, No. 25-1083 (D.C. Cir.) (petition for review of Omnibus waiver). Because those petitions involve claims under the Clean Air Act, disposition of Plaintiffs' distinct claims in this case will not affect them. *See supra* 4:24-28.[2]

Finally, even accepting *arguendo* that AFPM's interest in the lawfulness of certain waivers is at issue here, AFPM establishes no such interest in at least one of the Resolutions. *See E. Bay Sanctuary Covenant*, 102 F.4th at 1002 (alleged interest must be concrete). Whatever interest AFPM has in "EV mandates" (Mot. 2:9) is not implicated by the Resolution purporting to disapprove the Omnibus waiver. The Omnibus regulation reduces emissions of particulate and smog-forming pollutants from vehicles with exhaust emissions. AFPM concedes its alleged interest is not implicated by that regulation, much less the Resolution targeting its waiver. Mot. 7:26-8:5 (alleging interest only in ACCII and ACT).[3]

B. AFPM's interests are adequately represented by Federal Defendants

AFPM fails to show that Federal Defendants will not adequately represent its interests. AFPM attempts to stake out its influence by claiming to "speak[] for the workers, consumers, and communities that rely" on the fuel supply industry. Mot. 2:13-14. That claim is unsubstantiated. These trade associations represent companies—fuel producers, refiners, distributors, and retailers—not individual employees and customers or the broader public. *See id.*, Ex. A ¶¶ 3, 5; Ex. B ¶¶ 3-4; Ex. C ¶¶ 3, 5-6; Ex. D ¶¶ 1-2.

In any event, AFPM does not acknowledge, let alone try to overcome, the presumption of adequacy that arises when, as here, a proposed intervenor and an existing party "have the same ultimate objective." *Arakaki v. Cayetano*, 324 F.3d 1078, 1086 (9th Cir. 2003). AFPM's

[2] AFPM may point out on reply that EPA has moved to dismiss the petitions for review of the ACCII and Omnibus waivers. That does not support intervention. The associations could request their cases be held in abeyance pending the resolution of this matter, to protect their interests should Plaintiffs prevail here. If the associations concede to dismissal, that only increases the likelihood that AFPM will attempt to inject arguments concerning the legality of the waivers into this suit, improperly expanding its scope. *See infra* 7:19-8:6.

[3] In fact, none of these California regulations is an "EV mandate." Some of the provisions of ACCII and ACT require the sale of *zero-emission* vehicles, but those vehicles need not be EVs. *E.g.*, Cal. Code Regs., tit. 13, § 1962.4(b).

argument that these objectives "may diverge" (Mot. 9:11) is "long on generalizations and short on specifics." *Or. Nat. Res. Council v. Allen*, No. CV 03-888-PA, 2003 WL 27386127, at *1 (D. Or. Nov. 4, 2003). Unlike the proposed intervenors in *California ex rel. Lockyer v. United States*, AFPM fails to present "direct evidence" of any conflict that could affect litigation strategy. 450 F.3d 436, 444-45 (9th Cir. 2006). AFPM's cited legal authority is thus distinguishable and in fact underscores that the presumption of adequacy applies here, requiring a "very compelling showing" to rebut it. *Id.* at 443; *see also id.* at 444 ("Arguably, this [presumption] is nowhere more applicable than in a case where the Department of Justice deploys its formidable resources to defend the constitutionality of a congressional enactment.").

Even assuming AFPM is correct that no *current* party represents fuel producers' interests (Mot. 2:13, 9:9), AmFree has already moved to intervene to fill that purported gap. *Compare id.* 7-8 (alleging economic harms to fuel producers and others), *with* AmFree Mot. 6-7 (same); *compare also* Mot., Ex. E at 6-15 (proposed motion to dismiss making arguments under Section 805 of the CRA, standing doctrine, and the political question doctrine), *with* AmFree Mot., Ex. I at 11-14, 16-18 (same). Intervention by neither is warranted, and certainly not by both.

II. AFPM DOES NOT MEET THE STANDARD FOR PERMISSIVE INTERVENTION

AFPM does not qualify for permissive intervention under Rule 24(b). As described above, its interests focus on the lawfulness of EPA's waivers. Those interests are more properly vindicated through existing lawsuits under the Clean Air Act. AFPM may nonetheless attempt to litigate those issues here, even though they are irrelevant to Plaintiffs' claims. For example, AFPM's papers suggest it wants to assert a kind of conflict preemption argument as to federal emission standards. Mot. 1:18 ("California's regulations would have . . . conflicted with uniform federal rules"). AFPM accordingly seeks to impose a "uniform national framework" for new motor vehicle emissions. *Id.* at 2:15-16; *see also id.* at 8:6 (objecting to "divergent . . . regulatory regimes"). But this case—which concerns the lawfulness of three specific congressional resolutions targeted at three specific waivers—provides no such opportunity. Nor should the Court expand the case to do so. Similarly, AFPM's interest in the lawfulness of these waivers, *see supra* 4:24-28, is simply not germane to Plaintiffs' challenges to the lawfulness of the actions the

federal government took *after* EPA granted the waivers. Underscoring the point, AFPM misleadingly states—as though it were a fact—that the "statutory criteria" for a waiver include that the "regulations aim to address local air quality concerns." Mot. 3:20-21. Far from a fact, this is AFPM's *interpretation* of the Clean Air Act—one they are litigating on petitions for review of multiple waivers. *E.g.*, *Ohio v. EPA*, 98 F.4th 288, 299 (D.C. Cir.), *rev'd and remanded sub nom. Diamond Alt. Energy, LLC v. EPA*, 145 S. Ct. 2121 (2025). "Intervention cannot be used as a means to inject collateral issues into an existing action." *Apple Inc. v. Iancu*, No. 5:20-cv-06128-EJD, 2021 WL 411157, at *5 (N.D. Cal. Feb. 5, 2021). AFPM threatens to do just that, to Plaintiffs' prejudice. At a minimum, AFPM's intervention is likely to lead to unnecessary disputes about the case's scope, wasting judicial and party resources.[4]

AFPM's intervention is also likely to lead to duplication and delay. As noted, AmFree's pending motion to intervene—which Plaintiffs oppose—alleges similar interests in the case and proposes to make similar legal arguments. *Supra* 7:11-15. Additional motions to intervene on the side of Federal Defendants may follow. Plaintiffs thus face the prospect of having to respond—on behalf of 11 States, each with its own internal approval process—to multiple motions involving complex legal questions from several sets of adverse parties, all of which could significantly slow down the case (or require Plaintiffs to respond on untenable deadlines). This Court should exercise its discretion and decline to permit AFPM's intervention to avoid that prejudicial result. *See Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 380 (1987) ("[I]n a complex case . . . a district judge's decision on how best to balance the rights of the parties against the need to keep the litigation from becoming unmanageable is entitled to great deference.").

AFPM's conclusory assertions to the contrary are unpersuasive. AFPM states that its participation here would "avoid future duplicative litigation." Mot. 10:8-9. But AFPM seeks to intervene as defendants, not plaintiffs; it does not contend that there is a "separate action that [it] may bring" that could instead be "part of this action," creating judicial efficiency. *In re Wells Fargo & Co. Hiring Pracs. Derivative Litig.*, No. 22-cv-05173-TLT, 2023 WL 4536883, at *4

[4] *California v. Health and Human Services*, 330 F.R.D. 248, 255 (N.D. Cal. 2019) (cited at Mot. 9:27-10:1) involved no such risk that the proposed intervenor would expand the scope of the case, rendering it inapposite.

(N.D. Cal. July 13, 2023). To the extent AFPM is referring to its petitions for review of the waivers—which are not mentioned anywhere in AFPM's motion—those petitions raise distinct legal issues in a distinct forum. *See supra* at 5:17-6:5; 42 U.S.C. § 7607(b) (petition for review must be filed in appropriate U.S. Court of Appeals). AFPM also states that it would contribute particular economic and technical expertise to the case. Mot. 10:9-10. But it "has not identified anything 'more' it would contribute" to the issues relevant here—the illegality of the Resolutions—"let alone enough to justify the complications that can arise from having additional parties." *Allen*, 2003 WL 27386127, at *2.

In short, AFPM fails to satisfy the test for permissive intervention. Its participation in the case would be more appropriate, if at all, in an amicus brief. *See id.* at *3 (denying permissive intervention but allowing movant to participate as amicus curiae); *United States v. De Leon Guerrero*, 4 F.3d 749, 756 (9th Cir. 1993) (affirming district court's authority to so order).

III. IF THE COURT GRANTS INTERVENTION, IT SHOULD IMPOSE REASONABLE CASE MANAGEMENT CONDITIONS

If the Court nonetheless intends to grant AFPM intervention, and in light of the concerns identified above, Plaintiffs respectfully request that the Court impose the following reasonable limitations on AFPM's participation:

(1) AFPM shall not initiate discovery;

(2) AFPM's arguments and defenses shall be limited to those claims and issues raised in any operative complaints; and

(3) if AFPM and AmFree are both granted intervention, they should be required to jointly brief and argue all dispositive motions.[5]

In addition, Plaintiffs respectfully request that the Court impose the following procedural conditions on all parties, including all intervenors:

[5] This should not pose any practical difficulty, as the counsel who signed AFPM's papers also works at a firm representing AmFree. *See Bradley A. Benbrook*, Hicks Thomas, https://perma.cc/LNP5-MVY4 (last visited Aug. 19, 2025).

(1) the parties must meet and confer at least two weeks before the filing of any dispositive motion and submit a joint proposed briefing schedule to the Court at least one week before the motion's filing; and

(2) the combined total page limit of any intervenor briefs on any dispositive motion must be limited to two-thirds of the page limit allowed to the original parties that the intervenor is supporting. In other words, defendant-intervenors would, collectively, be limited to two-thirds the pages available to Federal Defendants, and plaintiff-intervenors would, collectively, be limited to two-thirds the pages available to Plaintiff States.

Such conditions are authorized under Federal Rule of Procedure 24(a) and 24(b), are routinely applied, and will help promote judicial efficiency. *See Stringfellow*, 480 U.S. at 382-83 & n.2 (Brennan, J., concurring in part and concurring in the judgment) (confirming district courts have discretion to limit intervention as of right and even more discretion to limit permissive intervention (citing Advisory Committee Notes, Fed. R. Civ. P. 24)); *Defs. of Wildlife v. U.S. Fish & Wildlife Serv.*, Nos. 21, 26, 17, 2021 WL 4552144, at *3 (N.D. Cal. May 3, 2021) (barring defendant-intervenors from initiating discovery and directing parties to meet and confer on case schedule allowing for efficient adjudication of anticipated motion to dismiss and motions for summary judgment); *California v. Health & Human Servs.*, No. 17-cv-05738-HSG, 2017 WL 6731640, at *9 (N.D. Cal. Dec. 29, 2017) (limiting issues in the case to those raised by the original parties).

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny the motion to intervene. In the alternative, Plaintiffs respectfully request that the Court impose the case management conditions described above to avoid prejudice to Plaintiffs.

Dated: August 20, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
MYUNG J. PARK
Supervising Deputy Attorney General

/s/ Cecilia D. Segal
CECILIA D. SEGAL
Deputy Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102
Telephone: (415) 510-3545
Fax: (510) 622-2270
E-mail: Cecilia.Segal@doj.ca.gov
Attorneys for Plaintiff State of California

PHILIP J. WEISER
Attorney General for the State of Colorado

/s/ Carrie Noteboom
CARRIE NOTEBOOM*
Assistant Deputy Attorney General
1300 Broadway, 10th Floor
Denver, CO 80203
(720) 508-6285
Carrie.noteboom@coag.gov

ANDREA JOY CAMPBELL
Attorney General for the Commonwealth of Massachusetts

/s/ Seth Schofield
SETH SCHOFIELD *
Senior Appellate Counsel
JON WHITNEY*
Special Assistant Attorney General
Energy and Environment Bureau
Office of the Attorney General
One Ashburton Place, 18th Flr.
Boston, Mass. 02108
(617) 727-2200
seth.schofield@mass.gov
jon.whitney@mass.gov

KATHLEEN JENNINGS
Attorney General of the State of Delaware

By: /s/ Vanessa L. Kassab
IAN R. LISTON
Director of Impact Litigation
RALPH K. DURSTEIN III
VANESSA L. KASSAB*
Deputy Attorneys General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

MATTHEW J. PLATKIN
Attorney General for the State of New Jersey

/s/ Lisa J. Morelli
LISA J. MORELLI
Deputy Attorney General
New Jersey Division of Law
25 Market Street
Trenton, New Jersey 08625
(609) 376-2740
Lisa.Morelli@law.njoag.gov

RAÚL TORREZ
Attorney General for the State of New Mexico

/s/ William Grantham
WILLIAM GRANTHAM*
Assistant Attorney General
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 717-3520
wgrantham@nmdoj.gov

LETITIA JAMES
Attorney General for the State of New York

/s/ Ashley M. Gregor
ASHLEY M. GREGOR*
Assistant Attorney General
Environmental Protection Bureau
28 Liberty Street, 19th Floor
New York, NY 10005
(212) 416-8454
ashley.gregor@ag.ny.gov

DAN RAYFIELD
Attorney General for the State of Oregon

/s/ Paul Garrahan
PAUL GARRAHAN*
Sr. Assistant Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, Oregon 97301-4096
(503) 947-4540
Paul.Garrahan@doj.oregon.gov

PETER F. NERONHA
Attorney General for the State of Rhode Island

/s/ Nicholas M. Vaz
NICHOLAS M. VAZ*
Special Assistant Attorney General
Office of the Attorney General
Chief, Environmental and Energy Unit
150 South Main Street
Providence, Rhode Island 02903
(401) 274-4400 ext. 2297
nvaz@riag.ri.gov

CHARITY R. CLARK
Attorney General for the State of Vermont

/s/ *Hannah Yindra*
HANNAH YINDRA*
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609
(802) 828-3186
Hannah.Yindra@vermont.gov

NICHOLAS W. BROWN
Attorney General for the State of Washington

/s/ Alexandria Doolittle
ALEXANDRIA K. DOOLITTLE*
Assistant Attorney General
Office of the Attorney General
P.O. Box 40117
Olympia, Washington 98504-0117
(360) 586-6769
Alex.Doolittle@atg.wa.gov

*Admitted pro hac vice

Pursuant to Local Rule 5-1(i), I attest that all signatories to this document concurred in its filing.

/s/ Cecilia D. Segal
Cecilia D. Segal
Counsel for Plaintiff State of California